

# BIRCH, STEWART, KOLASCH & BIRCH, LLP

TERRELL C. BIRCH  
RAYMOND C. STEWART  
JOSEPH A. KOLASCH  
JAMES M. SLATTERY  
BERNARD L. SWEENEY\*  
MICHAEL K. MUTTER  
CHARLES GORENSTEIN  
GERALD M. MURPHY, JR.  
LEONARD R. SVENSSON  
TERRY L. CLARK  
ANDREW D. MEIKLE  
MARC S. WEINER  
JOE MCKINNEY MUNCY  
ROBERT J. KENNEY  
DONALD J. DALEY  
JOHN W. BAILEY  
JOHN A. CASTELLANO, III  
GARY D. YACURA

OF COUNSEL:  
HERBERT M. BIRCH (1905-1996)  
ELLIOT A. GOLDBERG\*  
WILLIAM L. GATES\*  
EDWARD H. VALANCE  
RUPERT J. BRADY (RET.)\*  
F. PRINCE BUTLER  
FRANK S. WHISENHUNT

NOT ADMITTED TO A BAR OTHER THAN VA.

INTELLECTUAL PROPERTY LAW  
8110 GATEHOUSE ROAD  
SUITE 500 EAST  
FALLS CHURCH, VA 22042-1210  
U S A  
(703) 205-8000

FAX: (703) 205-8050  
(703) 698-8590 (G IV)

e-mail: mailroom@bskb.com  
web: http://www.bskb.com

CALIFORNIA OFFICE:  
COSTA MESA, CALIFORNIA

THOMAS S. AUCHTERLONK  
JAMES T. ELLER, JR.  
SCOTT L. LOWE  
MARK J. NUEL, Ph.D.  
D. RICHARD ANDERSON  
PAUL C. LEWIS  
MARK W. MILSTEAD\*  
RICHARD J. GALLAGHER  
JAYNE M. SAYDAH\*

REG. PATENT AGENTS:  
FREDERICK R. HANDREN  
MARYANNE ARMSTRONG, Ph.D.  
MIKE HATSUMI  
MIKE S. RYU  
CRAIG A. McROBBIE  
GARTH M. DAHLEN, Ph.D.  
LAURA C. LUTZ  
ROBERT E. GOOZNER, Ph.D.  
HYUNG N. SOHN  
MATTHEW J. LATTIG  
ALAN PEDERSEN-GILES  
C. KEITH MONTGOMERY  
TIMOTHY R. WYCKOFF  
KRISTI L. RUPERT, Ph.D.  
LARRY J. HUME  
ALBERT LEE  
HRAIR A. SAYADIAN, Ph.D.

PTO  
1c490 U.S.  
09/655336  
09/05/00

#2/A  
AKD  
11/18/00

Date: September 5, 2000

Docket No.: 1422-437P

Assistant Commissioner for Patents  
Washington, DC 20231

Sir:

This is a Request for filing a ☐ continuation ☒ divisional  
☐ continuation-in-part application under 37 C.F.R. § 1.53(b) of  
pending prior Application No. 09/403,486 filed on October 22,  
1999, the entire contents of which are hereby incorporated by  
reference,  
by

Tomoko UEDA, Yukiko NAGATO, Yukiko TANAKA, Tsutomu OKUBO, Kanari  
KOBAYASHI, Nobuyuki AOI, Seiji SHU, Lekh Raj JUNEJA

for

COMPOSITION COMPRISING THEANINE

1. ☒ Enclosed is an application consisting of specification,  
claims, declaration and drawings/photographs (if  
applicable).
2. ☒ The filing fee has been calculated as follows:

	BASIC FEE		LARGE ENTITY	SMALL ENTITY
	NUMBER FILED	NUMBER EXTRA	RATE FEE	RATE FEE
<b>TOTAL CLAIMS</b>	15-20 =	0	x 18 = \$0.00	x 9 = \$0.00
<b>INDEPENDENT CLAIMS</b>	2-3 =	0	x 78 = \$0.00	x 39 = \$0.00
<input type="checkbox"/> <b>MULTIPLE DEPENDENT CLAIMS PRESENTED</b>			+ \$260.00	+ \$130.00
<b>TOTAL</b>			<b>\$690.00</b>	<b>\$0.00</b>

3. ☒ A check in the amount of \$690.00 to cover the filing fee and recording fee (if applicable) is enclosed.
4. ☐ Please charge Deposit Account No. 02-2448 in the amount of \$0.00. A triplicate copy of this request is enclosed.
5. Amend the specification by inserting before the first line thereof the following:
- a. ☐ --This application is a ☐ continuation ☐ divisional ☐ continuation-in-part of co-pending Application No. 09/403,486, filed on October 22, 1999, the entire contents of which are hereby incorporated by reference.--
- a' b. ☒ --This application is a ☐ continuation ☒ divisional ☐ continuation-in-part of co-pending Application No. 09/403,486, filed on October 22, 1999. Application No. 09/403,486 is the national phase of PCT International Application No. PCT/JP99/00784 filed on February 23, 1999 under 35 U.S.C. § 371. The entire contents of each of the above-identified applications are hereby incorporated by reference.--
6. ☒ Enclosed is/are five (5) sheet(s) of formal drawings and/or photographs.

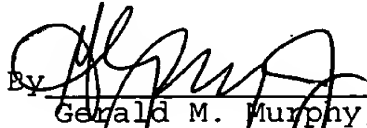
7. ☐ A statement claiming small entity status was filed in prior Application No. 09/403,486 on \_\_\_\_\_. See the attached copy of the statement claiming small entity status.
8. ☒ The prior application is assigned to Taiyo Kagaku Co., Ltd..
9. ☒ A Preliminary Amendment is enclosed.
- 10a. ☐ Priority of Application No(s). \_\_\_\_\_ filed in \_\_\_\_\_ on \_\_\_\_\_ is/are claimed under 35 U.S.C. § 119. See attached copy of the Letter claiming priority filed in the prior application on \_\_\_\_\_.
- 10b. ☒ Priority of International Appln. PCT/JP99/00784 filed on February 23, 1999 under the Patent Cooperation Treaty and Japanese Application Nos. 10-57470; 10-142119; 10-234968; and 10-330207 filed in Japan on February 23, 1998; May 8, 1998; August 6, 1998; and November 5, 1998, respectively, under 35 U.S.C. § 119 are hereby reclaimed.
11. ☒ An Information Disclosure Statement and PTO-1449 form(s) are attached hereto for the Examiner's consideration.
12. ☒ Address all future communications to:  
  
BIRCH, STEWART, KOLASCH & BIRCH, LLP  
P.O. Box 747  
Falls Church, VA 22040-0747  
Telephone: (703) 205-8000  
**or**  
Customer No. 2292
13. ☐ An extension of time for \_\_\_\_\_ ( ) month(s) until \_\_\_\_\_ has been submitted in parent Application No. 09/403,486 in order to establish co-pendency with the present application.
14. ☐ Also enclosed herewith is the following:  
  
\_\_\_\_\_  
  
\_\_\_\_\_  
  
\_\_\_\_\_

09505336-090500

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Respectfully submitted,

BIRCH, STEWART, KOLASCH & BIRCH, LLP

By   
Gerald M. Murphy, Jr., #28,977

GMM/REG/gml  
1422-437P

P.O. Box 747  
Falls Church, VA 22040-0747  
(703) 205-8000

Attachments

(Rev. 06/07/2000)

0055336.030500